

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

**MUSA SIDI MOHAMED, SIDI
MOHAMED OMAR, and NURTA HASSAN
MOHAMED, Individually and as Next
Friend of F.S.M. and S.S.M,**

Plaintiffs,

V.

**UNITED DISPATCHING L.L.C. and
GUARAMI KHARKHELAUR,**

Defendants.

CASE NO. _____

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

I.

UNITED DISPATCHING L.L.C., is defendant in a civil action brought on April 14, 2022 in the 320th District Court in and for Potter County, Texas entitled “Musa Sidi Mohamed, Sidi Mohamed Omar, and Nurta Hassan Mahamed, Individually and as Next Friend of F.S.M. and S.S.M v. United Dispatching L.L.C. and Guarami Kharkhelaury” Cause No. 110921-D-CV. A copy of the citation on UNITED DISPATCHING L.L.C., and the petition in this action are attached as Exhibits 1 and 2, respectively, and constitute all process, pleading, and orders served on Defendant in the action.

II.

The citation and petition in this action were served on Defendant UNITED DISPATCHING L.L.C. on April 26, 2022, via service by certified mail to its agent in Bensalem,

Pennsylvania. This notice of removal is filed within 30 days of receipt of the petition and is timely filed under 28 U.S.C. § 1446(b).

III.

The district courts of the United States have original jurisdiction over this action based on diversity of citizenship among the parties, in that Defendant is now and was at the time the action was commenced diverse in citizenship from every plaintiff. No defendant is or was at the time the suit was commenced a citizen of the State of Texas.

Plaintiffs are residents of Amarillo, Potter County, Texas. Upon information and belief, the minor Plaintiffs resides at the same location.

Defendant UNITED DISPATCHING L.L.C. is a limited liability company with its principal place of business, now and at the time this action was commenced, at 825 Cliff Road, Bensalem, Pennsylvania. Therefore, neither the Defendant nor the Defendant's parent entity are citizens of the same state as Plaintiffs (Texas). In addition, neither the Defendant nor the Defendant's parent entity are citizens of the State of Texas in which this action is pending.

IV.

The amount in controversy in this action exceeds, exclusive of interest and costs, the sum of \$75,000.00, as pleaded in Plaintiffs' Petition.

V.

Removal of this action is proper under 28 U.S.C. § 1441, since it is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter under 28 U.S.C. § 1331 because the Plaintiffs and Defendant are diverse in citizenship. All defendants who have been properly joined and served consent to the removal of this action.

WHEREFORE, UNITED DISPATCHING L.L.C. Defendant in this action, pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. § 1446, removes this action for trial from the 320th District Court of the State of Texas, County of Potter to this Court, on this 12th day of May, 2022.

Respectfully submitted,

FARRIS PARKER & HUBBARD
A Professional Corporation
P. O. Box 9620
Amarillo, TX 79105-9620
(806) 374-5317; FAX: 372-2107
rhubbard@pf-lawfirm.com

By /s/ Rhett J. Hubbard
Rhett J. Hubbard, SB# 24032315
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2022, I electronically filed the foregoing document with the Clerk of the above-named court, using the electronic case filing system of the court. Pursuant to Rule 21a of the Texas Rules of Civil Procedure, the following attorneys of record were served electronically:

Mr. Channy F. Wood
Wood Law Firm, LLP
610 S.W. 11th Avenue
Amarillo, TX 79101
cwood@woodlawfirm-tx.com

/s/ Rhett J. Hubbard
Rhett J. Hubbard

P.O. Box 9570

Amarillo, Texas 79105-9570

501 S. Fillmore-Suite 1B

POTTER COUNTY

Stephnie Menke, District Clerk

<http://www.co.potter.tx.us/page/potter.District.Clerk>

Filed
Stephnie Menke
District Clerk
Phone: 806-372-5061

Fax: 806-372-5061

5/12/2022 8:27 AM

Potter County, Texas

By PB Deputy

THE STATE OF TEXAS

CIVIL

CITATION-PERSONAL SERVICE

CAUSE NO. 110921-D-CV

STYLE: MUSA SIDI MOHAMED, SIDI MOHAMED OMAR, AND NURTA HASSAN MAHAMED, INDIVIDUALLY
AND AS NEXT FRIEND OF F.S.M. AND S.S.M. VS. UNITED DISPATCHING L.L.C. AND GUARAMI
KHARKHELAURI

IN AND FOR THE: 320TH DISTRICT COURT

TO: UNITED DISPATCHING L.L.C.

825 CLIFF ROAD

BENSALEM PA 19020

NOTICE: YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT
FILE A **WRITTEN ANSWER** WITH THE CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE
MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS
CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU. IN ADDITION TO FILING
A WRITTEN ANSWER WITH THE CLERK, YOU MAY BE REQUIRED TO MAKE INITIAL DISCLOSURES TO THE
OTHER PARTIES OF THIS SUIT. THESE DISCLOSURES GENERALLY MUST BE MADE NO LATER THAN 30
DAYS AFTER YOU FILE YOUR ANSWER WITH THE CLERK. FIND OUT MORE AT TEXASLAWHELP.ORG.

THE ADDRESS OF THE CLERK IS SHOWN ABOVE. THE PLAINTIFF'S PETITION WAS FILED APRIL 14, 2022 IN
THE 320TH DISTRICT COURT LOCATED AT AMARILLO, POTTER COUNTY, TEXAS.

ATTACHED HERETO IS: PLAINTIFF'S ORIGINAL PETITION

THE ATTORNEY FOR THE PLAINTIFF IS:

LESLIE OWENS

PO BOX 1439

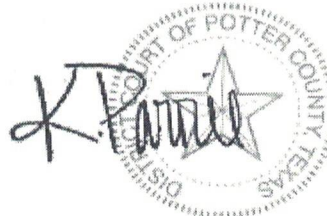
806-372-9663

AMARILLO TX 79105-1439

ISSUED AND GIVEN UNDER MY HAND AND SEAL: APRIL 22, 2022

STEPHIE MENKE, CLERK OF THE COURT
POTTER COUNTY, TEXAS
(OFFICER'S RETURN FOLLOWS)

BY DEPUTY:



ORIGINAL FOR RETURN

Exhibit 1

P.O. Box 9570

POTTER COUNTY

Phone: 806-379-2300

Amarillo, Texas 79105-9570

Stephnie Menke, District Clerk

Fax: 806-372-5061

501 S. Fillmore-Suite 1B

<http://www.co.potter.tx.us/page/potter.District.Clerk> districtclerk@co.potter.tx.us**RETURN OF SERVICE**

CAUSE NO. 110921-D-CV

STYLE: MUSA SIDI MOHAMED, SIDI MOHAMED OMAR, AND NURTA HASSAN MAHAMED, INDIVIDUALLY
AND AS NEXT FRIEND OF F.S.M. AND S.S.M. VS. UNITED DISPATCHING L.L.C. AND GUARAMI
KHARKHELAURI
IN AND FOR THE: 320TH DISTRICT COURT

CAME TO HAND ON THE 22 DAY OF April, 2022 AT 9:55 O'CLOCK A.M., AND
EXECUTED IN Bucks County, PA COUNTY, TEXAS BY PERSONALLY DELIVERING TO THE
NAMED DEFENDANT(S), A TRUE COPY OF THIS CITATION WITH THE DATE OF DELIVERY ENDORSED THEREON,
TOGETHER WITH ACCOMPANYING COPY OF PLAINTIFF'S ORIGINAL PETITION, IN PERSON, AT THE FOLLOWING
TIMES AND PLACES, TO-WIT:

NAME OF INDIVIDUAL, CORPORATION, OR AGENT SERVED:

United Dispatching, LLC - via certified mail
7020 0640 0002 3386 5648

ADDRESS: 825 Cliff Rd, Bensalem, PA 19020DATE: April 26, 2022 AT 3:55 O'CLOCK P.M.

AND NOT EXECUTED AS TO THE DEFENDANT(S),

THE DILIGENCE USED IN FINDING SAID DEFENDANT(S) BEING:

AND THE CAUSE OR FAILURE TO EXECUTE THIS PROCESS IS:

AND THE INFORMATION RECEIVED AS TO THE WHEREABOUTS OF SAID DEFENDANT(S) BEING:

FEES:SERVING CITATION \$ 93.25

_____, SHERIFF
_____, COUNTY, TEXAS
BY: Lofton T. Farris, DEPUTY
_____, AFFIANT

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF THE COURT.

IN ACCORDANCE WITH RULE 107: THE OFFICER OR AUTHORIZED PERSON WHO SERVES, OR ATTEMPTS TO SERVE, A CITATION SHALL SIGN THE
RETURN. THE RETURN MUST EITHER BE VERIFIED OR BE SIGNED UNDER PENALTY OF PERJURY. A RETURN SIGNED UNDER PENALTY OF PERJURY
MUST CONTAIN THE STATEMENT BELOW IN SUBSTANTIALLY THE FOLLOWING FORM:

"MY NAME IS Lofton T. Farris, MY DATE OF BIRTH IS 3-2-1964, AND MY
ADDRESS IS P.O. Box 1053, Amarillo, Texas 79105

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed in Randall County, State of Texas, on the
12 day of May, 2022.

Lofton T. Farris
Declarant/Authorized Process Server
PSC 1511 9/30/2023
ID # & expiration of certification

USPS Tracking®

FAQs >

Track Another Package +**Tracking Number:** 70200640000233865648

Remove X

Your item was delivered to an individual at the address at 3:55 pm on April 26, 2022 in BENSALEM, PA 19020.

USPS Tracking Plus® Available ✓**✓ Delivered, Left with Individual**

April 26, 2022 at 3:55 pm
BENSALEM, PA 19020

Feedback

Get Updates ✓

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
Text &	<input checked="" type="checkbox"/> Complete items 1, 2, and 3. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
	Tracking	B. Received by (Printed Name) <i>Gary W</i> C. Date of Delivery D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
1. Article Addressed to: <i>United Dispatching, LLC</i> <i>825 Cliff Road</i> <i>Bensalem, PA 19020</i>		3. Service Type <input checked="" type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™ <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Certified Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery	
USPS	2. Article Number (Transfer from service label) 7020 0640 0002 3386 5648		
Product	Barcode: 9590 9402 5164 9122 9115 08 PS Form 3811, July 2015 PSN 7530-02-000-9053		

Domestic Return Receipt

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 64428749

Status as of 5/12/2022 1:42 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Leslie Owens		lowens@woodlawfirm-tx.com	5/12/2022 8:27:42 AM	SENT
Channy Wood		cwood@woodlawfirm-tx.com	5/12/2022 8:27:42 AM	SENT
Lauren Sadler		lsadler@woodlawfirm-tx.com	5/12/2022 8:27:42 AM	SENT
Crystal Gonzalez		cgonzalez@woodlawfirm-tx.com	5/12/2022 8:27:42 AM	SENT

3. Plaintiffs seek monetary relief over \$250,000 but not more than \$1,000,000. Tex. R. Civ. P. 47(c)(3).

III. PARTIES

4. Plaintiff Mohamed is an individual residing in Potter County, Texas. The last three digits of Plaintiff Mohamed's Social Security number are 437, and the last three digits of his driver's license number are 728.

5. Plaintiff Omar is an individual residing in Potter County, Texas. The last three digits of Plaintiff Omar's Social Security number are 604, and the last three digits of his driver's license number are 846.

6. Plaintiff Mahamed is an individual residing in Potter County, Texas. The last three digits of Plaintiff Mahamed's Social Security number are 177, and the last three digits of her driver's license number are 418. Plaintiff Mahamed is the biological mother of minor children F.S.M. and S.S.M.

7. Defendant United Dispatching L.L.C., a foreign corporation organized and existing under the laws of Pennsylvania, whose principal office is located at 825 Cliff Road, Bensalem, Pennsylvania 19020, may be served with process by serving its registered agent for service of process at 825 Cliff Road, Bensalem, Pennsylvania 19020.

8. Defendant Kharkhelaury is an individual residing in New Jersey. Defendant may be served with process at his regular place of abode, 170 Rey Street, Garfield, New Jersey 07026, or wherever he may be found. The last three digits of Defendant Kharkhelaury's Social Security number are unknown to Plaintiffs at this time. The last three digits of his New Jersey driver's license number are 022.

IV. VENUE

9. Venue is proper in Potter County because it is the county in which all or a substantial part of the events or omissions giving rise to the claim occurred. Tex. Civ. Prac. & Rem. Code Ann. § 15.002(a)(1).

V. FACTUAL ALLEGATIONS

10. On or about August 21, 2021, at approximately 6:02 p.m., Plaintiff Mohamed was traveling west on I-40 in Amarillo, Potter County, Texas in a vehicle owned by Plaintiff Omar. Plaintiff Mahamed and F.S.M. and S.S.M. were passengers in said vehicle.

11. At that time, Defendant Kharkhelaury was also traveling west on I-40 in Amarillo, Potter County, Texas, behind Plaintiffs. Defendant Kharkhelaury was operating a commercial motor vehicle owned by Defendant United and pursuant to its operating authority. As of result of Defendant Kharkhelaury's inattentiveness and failure to control his speed, he rear ended the vehicle that was traveling behind Plaintiffs and pushed said vehicle into Plaintiffs' vehicle.

VI. COUNT 1 – NEGLIGENCE OF DEFENDANT UNITED

12. **Respondeat Superior:** At the time of the incident, Defendant Kharkhelaury was an employee, agent, or servant of Defendant United, and was acting within the course and scope of such employment or agency. Accordingly, Defendant United, is liable for Defendant Kharkhelaury's negligence under the principles of statutory employee, agency, respondeat superior, and vicarious liability.

13. **Statutory Employment:** Pursuant to 49 C.F.R. §§ 376.11-.12, Defendant United, has both a legal right and duty to control leased vehicles operated for its benefit. Accordingly, the regulations create an employee relationship between the employees of the owner-lessors and the lessee-carriers. As such, Defendant United, is vicariously liable for Defendant Kharkhelaury's

negligence. *Morris v. JTM Materials, Inc.*, 78 S.W.3d 28, 38–39 (Tex. App.—Fort Worth 2002, no pet.)

14. **Negligent Hiring, Training, Supervision, and Retention:** Defendant United, was negligent and reckless in hiring, training, supervising, and/or retaining Defendant Kharkhelaury and said negligence and recklessness was a proximate cause of the incident and Plaintiffs' damages.

15. **Negligent Maintenance, Inspection, and Repair:** Defendant United, was negligent in its maintenance, inspection, repair, and replacement of the commercial motor vehicle involved in the incident. Said negligence was a proximate cause of the incident and Plaintiffs' damages.

VII. COUNT 2 – NEGLIGENCE OF DEFENDANT KHARKHELAURI

16. At all relevant times, Defendant Kharkhelaury was negligent in failing act as a reasonably prudent driver would have done under the same of similar circumstances. More specifically, Defendant Kharkhelaury's following acts and omissions, either singularly or in combination, were a direct, proximate, and producing cause of the incident and Plaintiffs' injuries and damages:

- a. operating the vehicle in an improper manner;
- b. failing to maintain proper control of the vehicle;
- c. failing to keep a proper lookout for other vehicles and in particular Plaintiffs' vehicle;
- d. failing to drive in a reasonably attentive manner;
- e. failing to stop prior to hitting Plaintiffs' vehicle;
- f. failing to control the speed of the vehicle;
- g. operating the vehicle at a greater rate of speed than was reasonably prudent;
- h. failing to timely and properly apply the brakes;

- i. failing to take evasive action to avoid colliding with Plaintiffs' vehicle; and
- j. such other acts or omissions as may be discovered and/or proven at trial.

VIII. DAMAGES

17. As a direct and proximate cause of Defendants' above-described acts and/or omissions, Plaintiffs have suffered physical injuries to their bodies in general. Plaintiffs seek recovery for damages including, but not limited to, the following:

- a. Physical pain and mental anguish sustained in the past;
- b. Physical pain and mental anguish that, in reasonable probability, Plaintiffs will sustain in the future;
- c. Loss of earning capacity sustained in the past;
- d. Loss of earning capacity that, in reasonable probability, Plaintiffs will sustain in the future;
- e. Disfigurement sustained in the past;
- f. Disfigurement that, in reasonable probability, Plaintiffs will sustain in the future;
- g. Physical impairment sustained in the past;
- h. Physical impairment that, in reasonable probability, Plaintiffs will sustain in the future;
- i. Medical care expenses incurred in the past; and
- j. Medical care expenses that, in reasonable probability, Plaintiffs will incur in the future.

18. As a direct and proximate cause of Defendants' above-described acts and/or omissions, Plaintiff Omar has suffered property damage. Plaintiff Omar seeks recovery for damages including, but not limited to, the following:

- a. Market-value damages;
- b. Repair damages;
- c. Diminution in value;
- d. Loss-of-use damages; and

e. Lost profits.

19. As F.S.M. and S.M.'s biological mother and next friend, Plaintiff Mahamed seeks recovery of the following damages:

- a. Physical pain and mental anguish sustained in the past;
- b. Physical pain and mental anguish that, in reasonable probability, F.S.M. and S.M. will sustain in the future;
- c. Loss of earning capacity sustained in the past;
- d. Loss of earning capacity that, in reasonable probability, will be sustained in the future from the time of trial until F.S.M. and S.M. reach the age of eighteen years.
- e. Loss of earning capacity that, in reasonable probability, will be sustained in the future after F.S.M. and S.M. reach the age of eighteen years;
- f. Disfigurement sustained in the past;
- g. Disfigurement that, in reasonable probability, F.S.M. and S.M. will sustain in the future;
- h. Physical impairment sustained in the past;
- i. Physical impairment that, in reasonable probability, F.S.M. and S.M. will sustain in the future;
- j. Medical care expenses incurred in the past on behalf of F.S.M. and S.M.;
- k. Medical care expenses that, in reasonable probability, will be incurred on behalf of F.S.M. and S.M. in the future from the time of trial until F.S.M. and S.M. reach the age of eighteen years; and
- l. Medical care expenses that, in reasonable probability, F.S.M. and S.M. will incur after they reach the age of eighteen years.

IX. CONDITIONS PRECEDENT

20. All conditions precedent to Plaintiffs' claims for relief have been performed or have occurred.

X. JURY DEMAND

21. Plaintiffs respectfully request a trial by jury and have tendered the appropriate fee.

XI. PRAYER

Plaintiffs respectfully ask the Court to issue citation for Defendants to appear and answer and to award judgment against Defendants for all of Plaintiffs' damages as set forth above, prejudgment and post-judgment interest, and court costs. Plaintiffs pray for general relief.

Respectfully submitted,

By: /s/ 

Channy F. Wood

SBN 00791954

E-mail: cwood@woodlawfirm-tx.com

Leslie Owens

SBN 24073561

E-mail: lowens@woodlawfirm-tx.com

WOOD LAW FIRM, LLP

Physical: 610 S.W. 11th Avenue (79101)

Mailing: P.O. Box 1439

Amarillo, Texas 79105-1439

Telephone: 806.372.9663

Facsimile: 806.372.9664

ATTORNEYS FOR PLAINTIFFS

Automated Certificate of eService

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Lauren Sadler on behalf of Leslie Owens
Bar No. 24073561
lsadler@woodlawfirm-tx.com
Envelope ID: 63591887
Status as of 4/14/2022 3:10 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Channy Wood		cwood@woodlawfirm-tx.com	4/14/2022 2:48:09 PM	SENT
Leslie Owens		lowens@woodlawfirm-tx.com	4/14/2022 2:48:09 PM	SENT
Lauren Sadler		lsadler@woodlawfirm-tx.com	4/14/2022 2:48:09 PM	SENT
Crystal Gonzalez		cgonzalez@woodlawfirm-tx.com	4/14/2022 2:48:09 PM	SENT